

# City of Durham, North Carolina

## Zoning Report

*Note: This proposal was originally submitted on July 23, 2004 without a development plan.*

Reference Name	Play Nation (P04-43)		
Request	Proposed Zoning	NC(D); F/J-B	
	Proposed Use	Office/Commercial	
Existing Site Characteristics	Existing Zoning	OI-1; F/J-B	
	Existing Use	Undeveloped	
	Site Acreage	0.419	
Applicant	Credle Engineering Company, Inc.		
Submittal Date	October 11, 2004		
Location	South side of NC 54 opposite Parkridge Road, west of Kestrel Drive and east of Hope Valley Road		
PIN	0718-01-48-3454		
Plan	NC 54/I-40 Corridor Study	Designation	Commercial
		Request Consistent with Plan	Yes
Recommendation/ Comments	Staff	Approval	
	Planning Commission		
	DOST	No comments.	

### Summary

This is a request to rezone a 0.419 acre parcel from OI-1 to NC(D). The proposed development plan indicates an 1,800 square foot structure for office and/or retail use (the maximum size committed to will be 2,200 square feet). Access to the parcel is available from NC 54. The parcel is within the F/J-B watershed overlay district. The request is consistent with the future land use designation of the *NC 54/I-40 Corridor Study*.

The development plan indicates that the physical layout of the property shown and related notes are included as part of the adopted rezoning. Any significant change in the plan will require a new zoning petition for the property. The development plan submitted with this rezoning includes the following committed elements:

#### Development Plan Elements

- 2,200 square feet maximum office/retail building
- Prohibited uses: restaurant, bank, convenience store, medical clinic, day care facility, and health club
- Dedicate 25 feet of additional right-of-way along the frontage of the site

### **Site History**

This parcel, along with the two adjacent parcels to the east, was rezoned from R-20 to OI-1 on July 21, 1997.

### **Requested Zoning District Characteristics**

**Neighborhood Commercial District (NC)-** The Neighborhood Commercial District is established to provide for commercial centers in close proximity to residential areas and to offer limited commercial uses to satisfy the needs of the surrounding neighborhood.

**F/J-B Overlay:** The requested rezoning site is located within the F/J-B (Falls/Jordan) watershed protection overlay district and the Urban Growth Area (UGA). Within the UGA, the impervious surface limitation is 24% without stormwater controls; projects developed under the High Density Option (above 24% to a maximum of 70%) must have stormwater facilities designed and constructed to control the first inch of stormwater runoff.

#### **Zoning District Requirements- NC**

	<b>Required</b>	<b>Code Provision</b>	<b>Proposed</b>	<b>Consistent</b>
<b>Min. Lot Area</b>	None specified	4D.1.5	0.419 acres	Yes
<b>Min. Lot Width</b>	None specified	4D.1.5	65.7'	Yes
<b>Front Yard</b>	25'	4D.1.6	25'	Yes
<b>Rear Setback</b>	None specified	4D.1.6	21'	Yes
<b>Height Limitation</b>	35'	4D.1.7	35'	Yes
<b>Buffers</b>	Class 3- 15'	10.2.3, 10.2.4	15'	Yes
<b>Parking</b>	11 spaces	9.4.1	11 spaces	Yes

**Staff Analysis and Conclusion:** The parcel meets the dimensional requirements of the Zoning Ordinance.

### **Plan Consistency**

**Plan Requirements**

<b>Plan</b>	<b>Requirement(s)</b>	<b>Consistent</b>
<i>NC 54/I-40 Corridor Study</i>	Commercial	Yes

**Staff Analysis and Conclusion:** The proposal is consistent with the future land use designation of the Small Area Plan.

**Area Characteristics**

**Adjoining Uses and Zoning Districts**

	<b>Existing Uses</b>	<b>Zoning Districts</b>
<b>North</b>	Commercial (veterinary clinic), undeveloped	NC, R-20
<b>East</b>	Single-family, multi-family	R-20, PDR 3.65
<b>South</b>	Single-family, undeveloped	R-20, OI-1
<b>West</b>	Undeveloped (Army Corps of Engineers)	R-20

**Staff Analysis and Conclusion:** The uses allowed in the proposed district are compatible with the uses to the north and south of the site. The property to the west is owned by the U.S. Corps of Engineers and is intended to be left in its natural state as part of the Jordan Reservoir Project.

**Site Characteristics**

This site is within the Cape Fear River Basin and the F/J-B watershed district. This district allows for a maximum of 24% impervious surface without stormwater controls, and 70% with stormwater controls.

**Code Requirements**

<b>Resource Feature</b>	<b>Requirement</b>	<b>How Addressed</b>	<b>Satisfies Code</b>
<b>Watershed</b>	Falls/Jordan Watershed Protection Area B (F/J-B): Maximum 70% with stormwater controls	38.84% total impervious surface illustrated (6,381 s.f.)	Yes
<b>Tree Coverage</b>	10% - 1,825 s.f.	10.4% - 1,900 s.f. illustrated	Yes

**Staff Analysis and Conclusion:** The amount of impervious surface and tree coverage will need to be addressed at the time of site plan review. There are no other identified environmental constraints on development.

### **Infrastructure Impacts**

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

### **Road Impacts**

N.C. 54 is the major road impacted by the proposed zoning change. There are no NCDOT roadway improvements scheduled for this area.

<b>Affected Segments</b>	<b>N.C. 54 (east of N.C. 751)</b>	<b>N.C. 54 (west of Fayetteville Rd.)</b>
<b>Roadway Capacity (LOS D) (AADT)</b>	16,400	35,700
<b>Latest Traffic Volume (AADT)</b>	16,000	33,000
<b>Traffic Generated by Present Designation (average 24 hour)</b>	*571	
<b>Traffic Generated by Proposed Designation (average 24 hour)</b>	**132	
<b>Impact of rezoning</b>	An estimated reduction of 439 trips	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

Source of Latest Traffic Volume: 2003 NCDOT Traffic Count Map

\*Assumption (Max Use of Existing Zone) – 3,650 square foot walk-in bank.

\*\*Assumption (Max Use of Proposed Zoning) – 2,200 square foot specialty use retail center.

### **Transit Impacts**

There is no transit service currently provided to the site.

### **Utility Impacts**

The site will be served by City sewer and water.

### **Drainage/Stormwater Impacts**

Final approval of the Stormwater Impact Analysis (SIA) for this project will occur at the time of site plan/preliminary plat approval. Compliance with all City of Durham ordinances, codes, and policies shall be required prior to approval of the site plan/preliminary plat for this project.

### **School Impacts**

Both existing and proposed zoning districts allow an estimated maximum of 4 dwelling units; therefore, no additional students would be generated from this rezoning proposal. The schools potentially serving this site are Creekside Elementary, Githens Middle School, and Jordan High School.

**School Impacts- System Totals**

	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>Current Building Capacity</b>	14,906	6,468	8,945
<b>Maximum Building Capacity (LOS)- 120% of capacity</b>	17,887	7,762	10,734
<b>Attendance (20<sup>th</sup> Day) SY 2003-04</b>	14,596	7,137	8,960
<b>Committed to date</b>	(193)	(289)	(177)
<b>Available Capacity</b>	3,484	914	1,951
<b>Students Under Current Zoning*</b>	0	0	0
<b>Students Generated Under Proposed Zoning*</b>	0	0	0
<b>Impact of Rezoning</b>	None	None	None

\* Calculations for student generation come to less than 0.5 of a student for each school level.

**Staff Analysis and Conclusion:**

Infrastructure is available to serve development pursuant to the rezoning. The Transportation Division has requested the construction of a left-turn lane; however, given the low-volume generators that are identified within the request, staff does not recommend that this be a required element. The issue will be revisited during the site plan process.

**Public Contact/Comment**

<b>Notification</b>	<b>Planning Commission</b>	<b>Durham City Council</b>
<b>Newspaper Ad</b>	December 3 and 10, 2004	
<b>Letter to adjacent property owners, to 300'</b>	November 30, 2004	
<b>Neighborhood notice</b> Woodcroft Community Association, Jordan Lake Resource Management, Durham Justice and Fairness, Durham People's Alliance, PAC-3, INC	November 29, 2004	
<b>Sign posted</b>	October 1, 2004	

**Recommendation**

Staff recommends approval.

**Staff Contact:**

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